UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,892	07/31/2003	C. Bret Elzinga	6922.34	3057

7590   12/29/2009

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ART UNIT	PAPER NUMBER
3715	

MAIL DATE	DELIVERY MODE
12/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 October 2009</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-5,8,9,12,14-37,39-55,57-63,65 and 67-70</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-5,8,9,12,14-37,39-55,57-63,65 and 67-70</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____	
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)	5) ☐ Notice of Informal Patent Application	
Paper No(s)/Mail Date. _____	6) ☐ Other: _____	

DETAILED ACTION

Status of the application

1.   This is a response to the amendment and argument filed on 10/12/2009. The current

status of the application is as follows: claims 1-5, 8-9, 12, 14-37, 39-55, 57-63, 65 and 67-70

are still pending. Claims 6-7, 10-11, 13, 38, 56, 64 and 66 have been cancelled.

Continued Examination under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 10/12/2009 has been entered.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4.   **Claims 1-5, 8-9, 14-21, 23, 25, 27-29, 31, 33-34, 39-43, 47-48, 50-52, 58-59, 61—**

63, 65, and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krebs

US 7,029,280, in view of Parry US 6,077,085 and further in view of Turner US 6,633,742

Claims 1, 50, 58 and 61: The Krebs reference provides a teaching of providing dynamic

continual improvement educational improvements that is tailored to an individual learner the

method comprising: using a user interface and graphical design technique to design an

adaptive educational path (see Krebs col. 12:39-45) wherein the adaptive educational path

comprises of dynamic educational content and a plurality of educational activities for
presentation to a learner (see col. 4:10-25 "training, simulation or a test") wherein the dynamic
educational content are separate and independent from the plurality of educational activities
(se col. 3:40-45) wherein the educational technique produces computer readable medium
relating to the dynamic content (Krebs col. 1:56-61) and wherein aspect of the educational
content are associated in a relational order even when an aspect of the educational content are
moved (see Krebs '280 col. 12:39-45, col. 5:10-22, col. 6:49-62 and FIG.2); providing a portion
of the adaptive educational path for presentation of at least a portion of the educational portion
of the education content to a particular learner (see col. 19:25-32); obtaining and automatically
analyzing a learner performance data of the particular learner while providing the adaptive
educational path wherein the learner performance data is obtained and analyzed by the system
(see col. 18:10-19:32).   The Krebs reference is silent in the matter of having object-oriented
educational activities. However, the Krebs reference positively recites that the system is
implemented in an object oriented environment in JavaScript (see col. 4: 30-35). As such, it
would be inherent that the educational content would be also be implemented in an object
oriented environment.

While the Krebs reference provides a teaching of obtaining and automatically analyzing
learner performance data of a particular user, wherein the learner performance data is
obtained and analyzed by the system to cause the system of to automatically and adaptively
sequence the dynamic education content for a particular user based upon the learner
performance data obtained and analyzed by the system, wherein the adaptive sequencing
comprises modifying the presentation of the educational content to the particular user based
upon the learner performance data (col. 18:10-19-32 "the decision to visit a vertex (showing a
learning object) is decided based on a user's competence or score"); the Krebs reference fails to
provide a teaching of using the system that automatically and adaptively customize the

educational path to an educational performance of the particular learner wherein the customizing of the educational path to an educational performance comprises of:

using learner performance data that was obtained and analyzed by the computer system to identify which portions of the educational content are to be combined and presented with to the learner wherein the identified portions include a type and difficulty of the educational content is selectively presented to the particular learner;

Using the learner performance data that was obtained and analyzed by the computer system to selectively determine a frequency of exposure of the identified portions of the educational content to the user;

using learner performance data that was obtained and analyzed by the computer system to identify which of the object oriented activities are to be presented to the particular learner and

selectively sequencing the matched educational content and corresponding educational activities for presentation to the particular learner based upon the performance data obtained and analyzed by the system wherein the sequencing comprises modifying the presentation order of the educational matched educational content and corresponding educational activities based upon the learner performance data that was obtained and analyzed and providing portions of the educational content for iterative presentation to the learner over an extended period of the time to maintain the leaner understanding of the educational content.

The Turner reference provides a teaching of teaching of using the system that automatically and adaptively customize the educational path to the particular learner wherein the customizing of the educational path comprises of: identifying which portions of the educational content and the educational activities are to be combined and presented with to the learner based upon the learner performance data obtained and analyzed by the system (see col. 18:30-49); combining the identified portions of the educational content and the educational activities and sequencing the combined educational content and activities for the learner based

upon the performance data obtained and analyzed by the system wherein the sequencing comprises modifying the combination of the educational content and activities based upon the learner performance data (see Turner col. 15:30-60). Therefore, it would have been obvious for one of ordinary skilled in the art to include the feature of teaching of using the system that automatically and adaptively customize the educational path to the particular learner wherein the customizing of the educational path comprises of: identifying which portions of the educational content and the educational activities are to be combined and presented with to the learner based upon the learner performance data obtained and analyzed by the system; combining the identified portions of the educational content and the educational activities and sequencing the combined educational content and activities for the learner based upon the performance data obtained and analyzed by the system wherein the sequencing comprises modifying the combination of the educational content and activities based upon the learner performance data, as taught by Turner in order to insure that the learner is exposed with the proper learning material (see Abstract).

　　　The Parry reference provides a teaching providing portions of the educational content for iterative presentation to the learner over an extended period of the time to maintain the leaner understanding of the educational content (Parry col. 3:47-64), The Parry reference also provides a teaching of a teaching of using the system that automatically and adaptively customize the educational path to an educational performance of the particular learner wherein the customizing of the educational path to an educational performance comprises of:

　　　using learner performance data that was obtained and analyzed by the computer system to identify which portions of the educational content are to be combined and presented with to the learner (see col. 10:55-60) wherein the identified portions include a type and difficulty of the educational content is selectively presented to the particular learner (see col. 6:35-60 "type and difficult "for the question to be presented);

Using the learner performance data that was obtained and analyzed by the computer system to selectively determine a frequency of exposure of the identified portions of the educational content to the user (see col. 15:15-20);

using learner performance data that was obtained and analyzed by the computer system to identify which of the object oriented activities are to be presented to the particular learner (see col. 18:50-60)and

selectively sequencing the matched educational content and corresponding educational activities for presentation to the particular learner based upon the performance data obtained and analyzed by the system wherein the sequencing comprises modifying the presentation order of the educational matched educational content and corresponding educational activities based upon the learner performance data that was obtained and analyzed and providing portions of the educational content for iterative presentation to the learner over an extended period of the time to maintain the leaner understanding of the educational content (see col: 20:15-25).

Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of educational content for iterative presentation to the learner over an extended period of the time to maintain the leaner understanding of the educational content, as taught by Parry, in order to insure that the user is familiar with the newly learned concept (see col. 2:60-68).

Claims 2, 51, 59 and 62: The Krebs reference provides a teaching of adaptive sequencing is ordered based upon a characteristic particular user, said characteristic is at least one of the learning progress of the user (see Krebs col. 19:55-32 "test score" being used to marked which learning object vertex to be shown).

Claims 3, 5 and 20: The Krebs reference fails to provide a teaching of presentation of a
portion of presentation of the user composed of a step to provide systematic spaced review are
based on user's performance and where the performance are correspond to user's speed or
accuracy. However, the Parry '085 reference provide a teaching where the presentation of a
portion of presentation of the user composed of a step to provide systematic spaced review are
based on user's performance and where the performance are correspond to user's speed or
accuracy (see Parry '085 abstract and col. 2:65 – 3:2). Therefore, it would have been obvious
to one of ordinary skilled in the art to include the feature of educational content for iterative
presentation to the learner over an extended period of the time to maintain the leaner
understanding of the educational content, as taught by Parry, in order to insure that the user
is familiar with the newly learned concept (see col. 2:60-68).

Claim 4: The Krebs reference fails to provide a teaching of portion of presentation of the user
composed of a step to provide systematic spaced review is based on minimum and maximum
delay of the review and such parameters are selectively adjustable by the designer. However,
the Parry '085 provide a teaching where the presentation of a portion of presentation of the
user composed of a step to provide systematic spaced review is based on minimum and
maximum delay of the review and such parameters are selectively adjustable by the designer
(see Parry '085 abstract and col.2:65 – 3:2). Parry et al also provide a teaching where the delay
in the spaced review method is based on a maximum (several days) or minimum delay (1 day)
[see Parry '085 col. 20:19-22]. It is not known if these parameters are adjustable by the
designer. However, the examiner takes the position that the determination of such parameter
would always reside on the hand of a designer. Therefore, it would have been obvious to one of
ordinary skilled in the art to include the feature of educational content for iterative
presentation to the learner over an extended period of the time to maintain the leaner

understanding of the educational content, as taught by Parry, in order to insure that the user
is familiar with the newly learned concept (see col. 2:60-68).

Claims 8-9: Krebs provides a teaching where the design technique comprise of a drag-and-
drop technique that graphically relates components of the educational component and
association comprises of linking available components of the educational content based on
specific properties of the component (Krebs '280 col.14:4-11). Krebs also provides a teaching of
modifying properties of the available component (Krebs '280 col. 13:60-67). Therefore, it would
have been obvious to include the features of a drag-and-drop technique that graphically relates
components of the educational component, association comprises of linking available
components of the educational content based on specific properties of the component and
modifying properties of the available component into the system of Parry '085 because it would
enable the author to design a course in an intuitive straightforward manner (Krebs col. 1:48-
53).

Claims 14 and 15: Krebs fails to provide a teaching where the adaptive educational path
provides an order for concepts to be learn by the user [Claim 14] and the path comprises of a
linear sequence of activity [Claim 15] (see Krebs col. 6:50-60)

Claim 16: Krebs provides a teaching where a flow educational activity includes one or more
stage marker (new stage, test stage) that delineates meaningful stages of learning (col. 6:55
"Basic concepts").

Claims 17 and 68: Parry and Krebs fail to provide a teaching of automatically snapping
activity icons to a grid.

The examiner's previous statement that the feature of automatically snapping activity icons to
a grid as being old and well known in the art of document processing and design has been
taken to be admitted prior art (see previous office action). Therefore, it would have been

obvious to include the feature of automatically snapping activity icons to a grid into the system of Parry and Krebs since it would allow the author design in a fluid manner.

Claims 18 and 67: Krebs provides a teaching where an author can develop an adaptive education path by developing a series of activity icon into a flow of activities (Krebs '280 col. 12:39-45 and FIG. 11). Therefore, it would have been obvious to include the feature of developing an adaptive education path by developing a series of activity icon into a flow of activities, as taught by Krebs '280, within the system of Parry '085 because it would enable the author to design a course in an intuitive straightforward manner (Krebs col. 1:48-53).

Claims 19 and 69: Krebs '280 provides a teaching of graphical user interface that is used to describe the flow of a course activity (see Krebs '280 FIG. 11 item labeled as "knowledge unit" and col. 2:55-3:15). These knowledge units contain other activities that branch to other learning material (see Krebs '280 FIG. 2 and col. 4:25-34), that would maintain their relationship when they are moved (col. 4:59-63).

Claims 21 and 43: Krebs fails to provide a teaching of for designing an averment that includes a look and feel that is customized to a particular audience. Parry '085 provides a teaching for designing an environment that includes a look and feel that is customized to a particular audience (e.g. via videodisc or audio recording) (see 3:36-51). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of educational content for iterative presentation to the learner over an extended period of the time to maintain the leaner understanding of the educational content, as taught by Parry, in order to insure that the user is familiar with the newly learned concept (see col. 2:60-68).

Claim 23: Krebs fails to provide a teaching of an interface and design technique that automatically analyzes data to identify the association. Parry '085 provide a teaching for an interface and design technique to automatically analyzes data to identify the association (Parry col. 6:59-67). Therefore, it would have been obvious to one of ordinary skilled in the art to

include the feature of educational content for iterative presentation to the learner over an
extended period of the time to maintain the leaner understanding of the educational content,
as taught by Parry, in order to insure that the user is familiar with the newly learned concept
(see col. 2:60-68).

Claim 25: The Krebs provides an explicit teaching of designing a lesson via the use of a GUI
(see Krebs col. 12:39-45).

Claim 27: Krebs fails to provide a teaching of identifying the current activity of a user Parry
'085 provide a teaching automatically identifying the current activity of the user, keeping track
of the user's learning progress and automatically determine the next activity to the user (see
Parry '085 abstract, col. 3:25-30, col. 3:60-67 and FIG. 15). Therefore, it would have been
obvious to one of ordinary skilled in the art to include the feature of educational content for
iterative presentation to the learner over an extended period of the time to maintain the leaner
understanding of the educational content, as taught by Parry, in order to insure that the user
is familiar with the newly learned concept (see col. 2:60-68).

Claim 28: The Krebs reference provides a teaching where the end of the activity the system will
make a decision to present the next material or provide lesson. Parry '085 provide a teaching
of upon the end of an activity the system will make a decision (or branch) whether to present
next material or provide review lessons (col. 3:2-9 and col. 18:51-60). Therefore, it would have
been obvious to one of ordinary skilled in the art to include the feature of educational content
for iterative presentation to the learner over an extended period of the time to maintain the
leaner understanding of the educational content, as taught by Parry, in order to insure that the
user is familiar with the newly learned concept (see col. 2:60-68).

Claims 29 and 33: The Krebs reference of automatically identifying the current activity of the
user providing assistance and another adaptive path if the material is understood. Parry '085

provide a teaching automatically identifying the current activity of the user, providing

assistance if the material is not understood, and providing another adaptive path if the

material is understood (see Parry '085 abstract, col. 3:2-9). Therefore, it would have been

obvious to one of ordinary skilled in the art to include the feature of educational content for

iterative presentation to the learner over an extended period of the time to maintain the leaner

understanding of the educational content, as taught by Parry, in order to insure that the user

is familiar with the newly learned concept (see col. 2:60-68).

Claims 34 and 48: The Krebs reference fails to provide a teaching of where the frequency of

the presentation of certain material is modified based on the learning rate of the student.

However, the Parry '085 provides a teaching where the frequency of the presentation of certain

educational material is modified based on the learning rate of the student [**Claim 34**] (Parry

'085 col. 3:1-10). Materials that are deemed to be difficult are given more priorities (shown

more) and materials that are deemed to be mastered are given fewer priorities (shown less)

[**Claim 48**] (see Parry col.3:9-20]. Therefore, it would have been obvious to one of ordinary

skilled in the art to include the feature of educational content for iterative presentation to the

learner over an extended period of the time to maintain the leaner understanding of the

educational content, as taught by Parry, in order to insure that the user is familiar with the

newly learned concept (see col. 2:60-68).

Claims 31 and 47: The Krebs reference fails to provide a teaching where the system record

and report a user's progress.   However, the Parry '085 provides a teaching where the system

records and reports a user's progress (col. 10:58-63). Therefore, it would have been obvious to

one of ordinary skilled in the art to include the feature of educational content for iterative

presentation to the learner over an extended period of the time to maintain the leaner

understanding of the educational content, as taught by Parry, in order to insure that the user
is familiar with the newly learned concept (see col. 2:60-68).

Claim 37: Krebs '280 provides a teaching where the lesson objects also have a hierarchical
order (see Krebs 280 fig. 11).

Claims 39 and 40: The Krebs reference fails to provide a teaching of allowing the designer to
determine the type of information to be tracked and one of that information being a time
period. Parry '085 provide teachings where the designer is allowed to determined the type
information to be tracked and one of those information is the time period (col. 2:65-col.3:2).
Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature
of educational content for iterative presentation to the learner over an extended period of the
time to maintain the leaner understanding of the educational content, as taught by Parry, in
order to insure that the user is familiar with the newly learned concept (see col. 2:60-68).

Claim 41: Krebs '280 provides a teaching where the component module is tagged using
metadata such that these components are re-usable for creating other learning objects (col.
4:53-67).

Claim 42: Krebs '280 provides a teaching where the knowledge unit to be represented by
various electronic output layout format (col. 4:25-34).

Claim 52: Krebs '289 provides a teaching where the graphical user interface is used to design
an adaptive educational path, where different learning strategies have it own path (Krebs '280
col. 2:50-55).

Claim 63: The Krebs reference fails to provide a teaching where the presentation of a portion
of presentation of the user composed of a step to provide systematic spaced review.   Parry '085
provides a teaching where the presentation of a portion of presentation of the user composed of

a step to provide systematic spaced review (see Parry '085 abstract and col.2:65 – 3:2). The

spaced review parameters are controlled at least by the user accuracy or speed of

understanding (see Parry '085 abstract). Therefore, it would have been obvious to one of

ordinary skilled in the art to include the feature of educational content for iterative

presentation to the learner over an extended period of the time to maintain the leaner

understanding of the educational content, as taught by Parry, in order to insure that the user

is familiar with the newly learned concept (see col. 2:60-68).

Claim 65: The Krebs reference fails to provide a teaching that the relational association is

between components of educational content and is based on specific topic and subtopic.

However, the Parry '085 provide a teaching that the relational association is between

components of educational content and is based on specific topic and subtopic (see Parry '085

sub-topic and orientation col. 11:45-55). Therefore, it would have been obvious to one of

ordinary skilled in the art to include the feature of educational content for iterative

presentation to the learner over an extended period of the time to maintain the leaner

understanding of the educational content, as taught by Parry, in order to insure that the user

is familiar with the newly learned concept (see col. 2:60-68).

5.   Claims 12, 53-55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Krebs US 7,029,280, in view of Parry US 6,077,085, in view of Turner US 6,663,742

and further in view of Rukavina 2002/0188583

Claim 12: Parry '085 and Krebs '280 fail to provide a teaching where the interface and design

technique also comprises of dynamically linking roles between users of the activity.

Rukavina '583 provide a teaching of a system that provides collaborative activity among user

and linking the roles of the users in the activity (see paragraph [0040]). Therefore it would

have been obvious to include the teaching of providing a collaborative activity among user and

linking the roles of the users in the activity, as taught by Rukavina, into the system of Parry

'085 in order to provide a method to discuss real-application of their knowledge.

Claims 53, 54 and 55: Parry '085 and Krebs '280 fails to provide a teaching where the

computer is configured to exchange information between two computers [**Claim 53**], where the

communication mechanism is a network [**Claim 54**], and specifically that the network is the

Internet [**Claim 55**].

Claim 57: Parry, Krebs and Rukavina fail to provide a teaching of automatically snapping

activity icons to a grid.

However feature of automatically snapping activity icons to a grid since this feature has been

determined to be old and well known in the art of document processing and design (see office

action dated 02/29/2008). Therefore, it would have been obvious to include the feature of

automatically snapping activity icons to a grid into the system of Parry and Krebs since it

would allow the author design in a fluid manner.

6.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krebs US

7,029,280, in view of Parry US 6,077,085, in view of Turner US 6,663,742 and further in

view of Jensen US 6,834,276.

Claim 22: The Krebs reference provides a teaching of graphically associating educational

concept types with relationship types and properties (see FIG 3 col. 6:45-55); automatically add

new educational content from outside resources (see col. 11:50-65); selectively tag education

portions of a particular lessons to illustrate to the particular learner different contextual uses

of the educations portions (see FIG 9 and col. 11:45-65). The Krebs reference lack teaching for

the feature of selectively cutting an audio files into a smaller files that are named and

preserved; modifying the start and end position of a selected audio files; utilizing repository

media for designing the educational content and graphically identifying potential presentation

problem corresponding to the educational content. However, the Gleissner reference provides a

teaching of selectively cutting an audio files into a smaller files that are named and preserved (see paragraph 50-51); modifying the start and end position of a selected audio files (see paragraph 60-62) and utilizing repository media for designing the educational content (see paragraph 18-19). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of teaching of selectively cutting an audio files into a smaller files that are named and preserved modifying the start and end position of a selected audio files and utilizing repository media for designing the educational content, in view of Gleissner, in order to insert multimedia presentation to the learning content (see paragraph 4-5).

The Jensen reference provides a teaching of graphically identifying potential presentation problem corresponding to the educational content (see Jensen col. 21:45-65). Thus it would have been recognized by one of ordinary skilled in the art that applying the known technique taught by Jensen into the course editor of Krebs would have yielded predictable results and resulted in an improved system, namely, a system that would be able to inform the user if certain files or part of the database is corrupted and needed repair (see col. 21:60-65).

7.   **Claims 24, 26, 60 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krebs US 7,029,280, in view of Parry US 6,077,085 and further in view of Turner US 6,633,742 and further in view of Kershaw 5,565,316**

Claims 24, 26, 60 and 70: Parry and Krebs fails to provide a teaching where automated test are executed to ensure that components function as designed and diagnosing errors in the components [**Claim 24, 60, 70**] and detecting any potential problem for repair [**Claim 26**]. However, Kershaw '316 provides a teaching of having a quality assurance test, which can diagnose error and detect any potential problem for repair (Col.28:4-18). Therefore, it would have been obvious to include the feature of having a quality assurance test which can diagnose

error and detect any potential problem for repair, as taught by Kershaw '316, in order to assure

the quality of the test component.

8.   **Claims 30 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Krebs US 7,029,280, in view of Parry US 6,077,085 and further in view of Turner US

6,633,742 and further in view of Jenkins US 6, 293,801.

Claims 30 and 49: Parry and Krebs fails to provide a teaching where the system automatically

provides positive feedback to the user.

Jenkins 801 provides a teaching where the user is given a positive feedback (col. 3:14-28).

Therefore, it would have been obvious to include the feature of giving a positive feedback to the

user of the system, as taught by Jenkins, into the system of **Parry** in order to indicate and

award user for giving a correct response.

9.   **Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krebs US**

7,029,280, in view of Parry US 6,077,085 and further in view of Turner US 6,633,742 and

further in view of Strub et al 6,652,287

Claim 32: Parry and Krebs fails to provide a teaching of ensuring that the presentation

performed as intended by the designer and that the result of the presentation is reliable.

Strub 287 provide a teaching where the system measures the presentation to ensure that it

performed as intended and the result of the presentation is reliable (see Krebs '287 FIG. 12, 13

and col. 12:30-45). Therefore, it would have been obvious to include the feature of ensuring

that the presentation performed as intended by the designer and that the result of the

presentation is reliable, as taught by Strub 287, into the system of Parry '085 because it would

ensure the instructor/designer to react to students' concern or difficulties (Strub col. 15:15-

20).

10.   **Claims 35-36 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable**

Krebs US 7,029,280, in view of Parry US 6,077,085 and further in view of Turner US

6,633,742 and further in view of Siefert 5,810,605.

Claims 35-36 and 44-46: Parry and Krebs fails to provide a teaching where the step of

evaluating the educational content includes of automatically conducting0 experiment to

identify instructional setting for the user [**Claim 35, 45 and 46**], determine information

relating to one or more group to which the user belongs [**claim 44**] and automatically analyzes

the data gathered from the experiment [**Claim 36**].

Siefert '605 provide a teaching where the system conducts experiment and automatically

evaluating the data obtain from the experiment to ascertain which settings will be acceptable to

the user [**claim 35,36 and 44-45**] and to determine information relating to one or more group

to which the user belongs -left brain or right brain thinker- [**Claim 44**] (Siefert '605 col. 3:31-

4:7). These setting are based upon the type of learner the student is classified as [**Claim 46**].

Therefore it would have been obvious to include the feature of automatically evaluating the

data obtain from the experiment to ascertain which settings will be acceptable to the user, as

taught by Siefert '605, to the system of Parry and Krebs because it would enhance the

effectiveness and efficiency of the system with respect to a user (Siefert '605 col. 2:47-59).

Response to Arguments

11.   Applicant's arguments with respect to claims 1-5, 8-9, 12, 14-37, 39-55, 57-63, 65 and

67-70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

       Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676.

The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715